

RDF 22-04 Appeal 2/1/2023.

Columbia County staff have created an optical illusion of where they “penciled in” an area named “Homeaway Road” fictitious location to be, and then, at their leisure, move it about on two entirely separate, 20 ft easement areas to fit their current needs and wants, this in includes the current foul land use approval for RDF 22-04. Below is a clarified overview of evidence entered into the records of RDF 22-04.

Septic approval on tax lot 2500 in 1978 showed that there was an intent of a lot line adjustment from tax lot 2500 to tax lot 1900 to expand tax lot 1900. That did not and could not possibly happen due to NO previous subdivision/partition plat approvals approving any road or streets, as well as such approval would of absolutely needed surveys and county approval which would have been impossible to get and without such approval it could not be done. So, the next best thing, that still needed county approval to be legit 1978, the owner of tax lot 1900 and tax 2500 got together to create a warranty deed, recorded the warranty deed with Columbia County, effectively creating an illegally created parcel- tax lot 2501, behind the country’s back and without county approval to so such activities. These documented actions were solely done, so the then owner of tax lot 1900 could attempt to obtain access rights use the area of an 1959 20ft reserved easement area (DEED book 138/pg. 795 – and RDF 22-04 access easement area described that Commissioner Smith spoke of on 1/18/2023 hearing for RDF 22-04). Clearly the then, both owners of tax lot 2500 and 1900 were confused as to where the border of who’s land started and who’s land ended, as well as some form of confusion as to where the goat trail used for access was actually was located, and upon the lands of those landowners. All looks legit, and both parties know, at that time, in 1978 that the 1959 20 ft easement area (DEED book 138/pg. 795) was not approved as a road or street, it is an reserved easement area only. That area was never developed at any point UNTIL the year 2021 - When MR. Carelton pays to move a utility pole out of the almost center of his easement area- (but only as far as it can moved without placing any part of it over or upon adjacent land in which the local PUD have no valid easements to do so), seeks an access approach construction permit for a driveway development to tax lot 2500- that never had any land use approval to even obtain a permit the first place, lets it- the access approach construction permit expire, then proceeded to cuts down his neighbors fences -after the access approach construction permit expired, throws down rock whilst destroying others land that have wetlands on and within – all of which would require additional delineations for such development of access easement area to 2500, then tries to guise the wetland destruction on the other properties- he destroyed where access easement is located over- as an activity covered under his various forestry permits, he, after the fact obtained for tax lot 2500- which in fact is not a covered activity, then seeks a signoff of the already (72 days) expired access approach construction permit in which was photographed incomplete 1 day after Columbia County signed it off, then applies for and seeks approval of RDF 22-04.

There is another, older and possibly original, version of Columbia County hand drawn address map recently submitted into the record. That older address map was created in conjunction to CC Ordinance 81-6 in 1981 and edited copies thereof thru 1985. Deborah Jacobs, on 1-18-2023 on the record for RDF 22-04, testified that there is an official address map, where it shows a Homeaway RD and was there in 1985 at least. She failed to state that there are other original address maps, unedited thru time. This older version address map, and more than likely the (an) original

version in conjunction with Ordinance 81-6, is an address map created on paper, prior to the counties only presented edited address map, in which the county keep trying to cram down appellants/opponents of RDF 22-04 throats as some form of actual factual basis for Homeaway Rd "existence"/or that it "existed". The edited version of the address map is solely relied upon is the counties only avenue to attempt to justify TT 21-06 for RDF 22-04. The "older" version address map does not help the counties position one ounce, it in-fact harms their current position. It effectively uncovers a chain of events in history that makes the county look incompetent. The "older" address map clearly shows, which is what the county did not want John Q Public to see for the purpose of RDF 22-04s approval, that tax lot 1900 had not yet been partitioned to create tax lot 1901 – so the older version address map was, in fact, created prior to August 1982, all in direct contradiction to Deborah Jacobs claims/statements. The older address map shows the county had already assigned tax lot 1900 with a 75735 Price Road address, although it is still unknown/unclear what timeframe the county assigned the space numbers to each of the individual Mobilehome/RVs spaces, which still exist today, and they wouldn't dare divulge that information willingly or truthfully. In addition to the 75735 Price Rd address assigned to tax lot 1900 at that time, obviously prior to 1982, it also clearly shows the county "penciled in" and labeled the 1959 20ft easement area DEED book 138/pg. 795 and RDF 22-04s access easement area, as Homeaway Rd. Columbia County was not duped and in-fact documented their, we will and have to play along, they "penciled in" that Homeaway Rd was to start 260+ feet from the Price Road Right of way, as illustrated by the line drawn thru the 20 ft easement area of 1959 20ft easement area DEED book 138/pg. 795 and RDF 22-04s access easement area, along with the two arrows in different (North and South) directions. Then Columbia county compounds the first mistakes made and take the address map several steps further to more illegal unlawfulness, to write various "names" ending in "RD" to all of the goat trails on tax lot 1900. Every one of the goat trails all shown off of Homeaway Rd "penciled in" location could never have physically touched HOmeaway rd "penciled in" location because the goat trails were physically short of doing so by well over 20+ feet of absent space between the locations, it was physically impossible. Then Columbia County Homeaway Rd "penciled in" location with the named goat trails and then assigns individual situs addresses that correspond with each other to the individual Mobilehome/RV spaces. There is more than enough, by documented evidence, that Columbia County guided in and aided in - by approval- of the minor partition of tax lot 1900 for tax lot 1901 creation in 1982 and the previous other illegal steps taken, that they tried to cover up the major defect of tax lot 1900s creation of the illegal and unlawful Mobilehome/ Rv park. All actions documented by Columbia County were pre-planned, pre-staged, and choreographed, by the one and only, Columbia County themselves. Both versions, the older and the edited version of the address maps show the clear, attempted and miserably failed attempts to try to justify and coverup absence of the required requirements or Ordinance 81-6 and ORS Chapter 446. The fictitious road names and individual situs address was the counties first attempted way to thwart Ors. Chapter 446, full well knowing that at that time, the Mobile home park/Rv park was in fact unlawfully/illegally created. Furthermore, absolutely no roads or Streets were ever lawfully approved for tax lot 1900, at any point in time, history or currently. It is a matter of substantial evidence entered into the record for RDF 22-04, that at no point in history, since at least 1981, when the county scribbles names onto goat trails on an address map are the first and only mentions of any roads, let alone named roads, tax lot 1900 had never identified, demonstrated, documented or ever attempted to claimed to of had any valid lawfully created or established roads or streets that were named or intentions thereof, at any time since 1965, when the park was created, to 1981. The documented minor partition (minor partition which means: no approval of roads or streets for the area of land being partitioned) of tax lot 1900 to create tax lot 1901 and the application thereof,

documents that a "Homeaway Park Rd" is mentioned, not constructed, and not approved by planning commission. The approval of the minor partition of tax lot 1900 also took the original assigned 75735 situs address for tax lot 1900 and rolled it forward to tax lot 1901, effectively making it look like as if the above mentioned, knowingly illegal and unlawful actions were all legit. Also take special note that the owner of tax lot 1900 reserved only *herself* an in-gorss easement as described in deed book 244 pg12&13 over tax lot 1901 in August 1982. Furthermore, tax lot 1901s creation was the first severance of tax lot 1900s available frontage to any county right of way.

Sometime in 1993 a subsequent owner of tax lot 1900, obtained a survey for the landlocked unlawfully/illegally created mobilehome/RV park that he purchased on tax lot 1900. As identified on that survey (B-229), it was completed August 11th 1993 and filed with Columbia County surveyor on 11-19-1993, further identified as survey B-229, and already entered into the record for RDF 22-04. Survey (B-229), is attached for another refreshment of reminder of facts, and shows that -two entirely separate - 20ft described easements areas- that parallel each other do not create and did not create any lawfully approved road or street. One easement, a 20ft area shown on survey B-229 is for Deed Book 244 pg 12- the described 20 ft easement area location on tax lot 1901 reserved to a Lois Hallaran only, and the other separate easement, the 20 ft area being Rameys tax lot 1800s- L-412 survey dated Sept 14, 1972 – described 20 ft easement area and is also of the exact same location of RDFs access easement, which is one of several other documented users of the same shared 20 ft non-exclusive easement areas described and reserved in several deeds on areas of land on and over tax lots 1700, 1701, 1800, 2500, and possibly tax lot 2501. Survey B- 229 also reflects that there are no roads let alone streets that were ever lawfully approved or existed based on the documents deeds and surveys referenced within, at either location of the two entirely separate, 20 ft described easement areas. Survey B-229 is proof that was already provided into RDF 22-04 to prove that TT 21-06 can not use a rectangle because it is legally documented by a survey (B-229) that no private roads or streets exist or existed, in any of the two described locations surveyed. For the sole purpose of dumbing down the repeated statements that no private road or streets exist for TT 21-06 to use a rectangle configuration as allowed by CCZO is because tax lot 2500 did not abut any lawfully established lawfully created road that existed Jan 1st 1993, whether public or private, which fell on deaf ears time and time again, has been proven by substantial evidence in the record(surveys, Deeds, etc.), that no road or streets were lawfully approved, lawfully created, or lawfully existed, lawfully established, or lawfully developed that start from Price RD Right of way, as verified by survey B-229 filed with Columbia County surveyor 11-19-1993. For any private road or a street to be legal, they would have to be lawfully approved, lawfully recorded on all affected deeds, lawfully developed, start at a lawfully established public right of way and not some rogue area illegally labeled goat trail on an tax lot 260+ feet away from any right of way. Furthermore, as per CCRS private roads can NOT connect to other private roads. TT 21-06 was done improperly using a rectangle and RDF 22-04 land use approval must be denied.

There is other verification that no roads "existed" and was not only completely ok'd for them NOT have "existed" by Columbia County within File number: NCU 3-94 (in 1994) – the result being Columbia County Board order 38-96 (in 1996) signed FEBUARY 21st 1996 by Columbia County Board of Commisioners. In file number: NCU 3-94 , the applicant at that time was seeking a Land Use Verification and 1 time expansion of the mobilehome/RV park on tax lot 1900. Within the staff report dated 1-12-1996 BACKGROUND/history states that: "The access road from Price Road to the park ("Home Away Road") is a 20ft wide easement (or two 20ft wide easements according to applicant) of unknown character or

legal status.” Any land use decision after NCU 3/94-Order 38-96 in conjunction to HOME AWAY Rd, or any derivatives thereof, in or near the vicinity of tax lot 1900, is a direct collateral attack of NCU 3/94-Order 38-96. RDF 22-04 can not even apply for TT 21-06 because of NCU 3-94/Order 38-96.

NCU 3-94 also identified that there were no addresses shown for tax lot 2501- and there couldn't lawfully be because it was an illegally created parcel with no legal frontage to a public right of way, and no legal road to support such addressing. No foul tho, Columbia County to the rescue, they will just erase one from tax lot 1900 and smear it right on over to tax lot 2501, as demonstrated on *their* only produced address map, sometime after 1-12-1996. Free alterations any time need, compliments of Columbia County, for the landlocked, illegally created, fire non-compliant, ORS chapter 446 deficient Mobilehome/RV park on tax lot 1900 and tax lot 2501- the illegally created parcel. Columbia County essentially made them their very own little town - absent their own fire station, post office, zip code, stores, a adequately properly sized and functioning sewage treatment plant facility, municipal services, etc, etc, etc. Board order 38-96 approved the Non-Conforming Use verification and 1 time expansion, background history included for free. In addition, Board order 38-96 also identified that -in part: The application is to consider the expansion of the mobile home spaces on tax lot 1900 only. There is only 1 dwelling permitted on tax lot 2501. That language identifies in-itself, that tax lot 2501 was and is not apart of the mobile home park on tax lot 1900. That is the exact time when Columbia County had to erase Homeaway Rd “penciled in” location from the 20 ft easement area described in 1959 DEED book 138/pg. 795 and RDF 22-04s access easement area described, and “pencil in” Homeaway Rd to exist across tax lot 1901, in an reserved described area reserved to only Lois Hallarn herself, with no successors, assigns, or heirs, as reflected in deed book 244 pg.12. Survey B-229 only verified that nobody, including the property owners and Columbia County had no clue how to do anything right. But it did, for sure, verify that the address requirements, amongst other things, as per Columbia County Ordinance 81-6, were absolutely done wrong and so were the corresponding address maps, that RDF 22-04s TT 21-06 was relied upon to use a rectangle.

RDF 22-04

The first acknowledgement and referral letters for RDF-22-04, dated on August 4th 2021 already in the record, identified that: “The subject property is a 17.5 acres and is located off of Homeaway St”. It is simply amazing that we now have a Homeaway Street located – apparently across tax lots 1900 and 1901. The 2nd set of referral and acknowledgement letters for RDF 22-04 dated June 9th 2022, identify that: “This property can be identified by map number 7315-B0-02500, and is approximately 17.5 acres and located off of Price RD”. All of the above in direct contradiction to the counties penciled in address maps, maps that hold no value or legal weight. Those address maps are being used by Columbia County because they need to back door some form of approval of a road- illegally, again, because it is need for an ulterior motive- fix the abortion of a mess the one and only tax lot 1900 mobilehome/Rv trailer park. The staff report for COLUMBIA COUNTY BOARD OF

COMMISSIONERS STAFF REPORT December 14, 2022 Appeal of Planning Commission's Approval of a Resource Dwelling in the Forest Zone- takes it another step further, as usual, in direct contradictions of their address map they rely on and write: " Views of 20' Easement south and north that runs parallel to improved Homeaway Road." Take special notice how the pictures within identifies the fictitious "Homeaway Rd" on a easement area on tax lot 1901.

RDF 22-04s Department of State Lands WD # 2022-0040 already entered into the record for tax lot 2500, The wetland delineation/ determination report cover form, identifies the project site address: Hwy 30 to Price Rd...to Homeaway St. entrance, driveway is adjacent to Homeaway St. to the EAST -- another direct contradiction to Homeaway Rd/St location as identified on counties, address map.

Commissioner Smith made a couple of statements on 1/18/2023 of her implying, in essence, that a "road" can help the area, and then proceed to stated "because obviously some addresses need to be figured out." There are NO addresses that the neighbors to the north of RDF 22-04 and the neighbors to north of the mobilehome/rv park need to figure out or have changed, those are the only legal lots that were not sabotaged by previous landowners and the county with proper accesses, frontage, and situs addresses. The address mess is solely a well-documented product of the many erroneous errors made by Columbia County. The county needs to correctly figure out how to undo the fictitious road labels and erase/undue the illegal situs addresses they issued within a landlocked, illegally/unlawfully created Mobilehome/ RV park on tax lot 1900. It is not encumbered of the neighbors to be the cure for RDF 22-04 approval or the illegal landlocked mobile home/rv park. Unfortunately there is only one lawful solution to the problems created by Columbia County, and that is to abolish the illegal use. Also, as spoken of by the new commissioner Smith on 1/18/2023, a newfound theory/idea is that a 1959 20ft easement deed book 138 pg. 795 justifies a road creation, and then she compounds that false newfound theory/idea one step further to state that the mobilehome park/ RV park on tax lot 1900 existence predated that 1959 easement, and then wants to hunt for language within the deed book 138 pg795 to see if it mentions Homeaway Rd. That newfound theory/idea is factually proven wrong by substantial evidence into the record (NCU 3-94/38-96 final order). The mobilehome/rv park, a matter of facts was not created until 1965 on tax lot 1900. Furthermore, the Mobilehome/Rv Park on tax lot 1900 was and has always been missing total compliance with ORS Chapter 446, but specifically ORS 446.095(1) which has been in effect since the 1950s, which predates the mobilehome/Rv parks existence, and is therefore outside the scope of any non-conforming use right for tax lot 1900, and more so since Board order 38/96. The statute states: The owner or operator of a mobile home or manufactured dwelling park shall:

(1) Construct well-drained and hard-surfaced park streets at least 20 feet in width, unobstructed and open to traffic within the mobile home or manufactured dwelling park. If the owner or operator permits parking of motor vehicles on the park streets, the owner or operator shall construct the park streets at least 30 feet in width.

Nice try tho! Trying to figure out a loophole for the mobilehome/rv park required compliance of all aspects of ORS chapter 446 for the fraudulent, illegal acquisition of grant {GHAP} fund and tax credits they obtained by voluntarily choosing to go a non-profit cooperative and trying to guise a vague language of another illegal road- as a fix for tax lot 1900, and incorporating another rad and road naming loosely into RDF 22-04s approval.

Columbia county Mike Russell public works director speaks on 1/18/2023 Columbia County Commissioner hearing on RDF 22-04.

He stated- in part: "to this question of where is Homeaway and is there a Homeaway. Umm, when I look at our files in our office, umm.. I believe there is a point, that Don..the Campbells are making about where it starts, within the park VS on his property, and I couldn't, in my records, couldn't see where it extended thru his property to Price road".

He goes on further to state, in part, that he: "was struggling to find anything outside of the park also being called Homeaway road.

Why all of the issues, one may ask, it is simply because Homeaeay road did not and never lawfully existed or exist at any time in history, or present day. Furthermore anything the Columbia County ever refers to as "commonly known as", this, that, or the other, followed by a "name", or "the public calls something this, that, or the other" does not make it legal in existence or creation. When you pull back Columbia Counties curtains of deceit, all "commonly know as" and " the public calls it" truly means in county lingo: is we know its illegal, but we need that language to cover our mistakes we've made for many, many, years, and can possibly get sued over in the future, if and when, fully discovered by the wrong people whether it be investors, insurers, non-profits, the state, the IRS, or anyone else with a vested interest 1900.

Columbia county has tried to take the position that they can work "to the extent feasible with any easements", and will do so for RDF 22-04s approval. Unfortunately ,for Columbia County road department there are no- to the extent feasible clauses to the fire requirements for RDF 22-04 land use approval. The Clatskane Fire Chief has written to RDF 22-04 requirements of land use approval and in part are as followed: The access easement will need to meet 75,000-pound vehicle weigh (engineered requirements) with 4 feet clearance on each side for a 20 foot right of way, and pull outs every 400 feet, and an approved turn around. He also goes on to state "this residence would be the third residence coming off of an unnamed road" which effectively means RDF 22-04 requires a road with a -40ft- right of way to be developed. . The Clatskanie fire chief also testified that the utility pole located within RDF 22-04s access easement area, in essence, is going to be a problem if you go by the book. Any private road, first and foremost, requires all of the affected neighbors' willingness and participation, which will not be given by any of the landowners that are already burdened, negatively affected, and damaged by Mr. Careltons actions. The same also applies as well the Mobile home/RV park on tax lot 1900. Once again, easements are given and not taken. Furthermore, for RDF 22-04s land use approval, total prior demonstration to every aspect of every applicable law, rule, codes, that

applies have to be demonstrate-prior to RDF 22-04s land use approval. RDF 22-04 cannot and has not demonstrated that it fully comply with all aspects of all ORS, CCZC, Columbia County Road Standards, it their entirety nor can it demonstrate prior to land use approval, that all applicable Oregon Fire Codes in their entirety, total compliance to and with Columbia County Fire Services Fire Apparatus Road and Access Requirements, and therefore RDF 22-04 must be denied.

CCZO : Section 100 GENERAL DEFINITIONS:

.36 Frontage: All the property fronting on one side of a street between intersecting or intercepting streets, or between a street and a right-of-way, waterway and/or deadend street, or county boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage of the side of the street which it intercepts.

.66 Mobile Home Park: Land designated for the permanent location of 4 or more mobile homes. This land is commonly held in one ownership and mobile home spaces are rented to the owner of mobile homes.

.93 Road, Public: Every dedicated public way, thoroughfare, road, street, or easement within the county used or intended for use by the general public for vehicular travel, but excluding private driveways.

. County is trying to use RDF 22-04s approval to cloak a "road" solely for the documented fraud scheme that has already taken place on tax lot 1900.

Tina King 2/1/2023 RDF 22-04